



State of Vermont

LAND USE PERMIT

AMENDMENT

CASE 500032-7
APPLICANT Richard Casavant
ADDRESS P.O. Box 11
Montpelier, VT 05602

LAWS/REGULATIONS INVOLVED

10 V.S.A., Chapter 151
(Act 250) and Vermont State
Environmental Protection
Rules:
Chapter 3, Subdivisions;
Chapter 7, Sewage Disposal;
Chapter 8, Water Supply

District Environmental Commission V hereby issues Land Use Permit Amendment #500032-7 pursuant to the authority vested in it in 10 V.S.A., Chapter 151. This permit amendment applies to the lands identified in Books 41 and 29, Pages 131 and 280 respectively of the land records of East Montpelier, Vermont, as the subject of a deed to Richard Casavant, the "permittee as grantee". This permit specifically authorizes the permittee to create a fourteen lot residential subdivision with individual on-site water and septic systems, plus two lots of common land, and construct 2000 feet of roadway on a 28 acre tract of land located on Paul Square Road (TH 43) in East Montpelier.

The permittee, his assigns and successors in interest, are obligated by this permit to complete and maintain the project only as approved by the District Commission in accordance with the following conditions:

1. The project shall be completed, maintained and operated in accordance with Findings of Fact and Conclusions of Law #500032-7 and the plans and exhibits on file with the District Environmental Commission, and in accordance with the conditions of this permit. No changes shall be made in the project without the written approval of the District Environmental Commission.
2. By acceptance of the conditions of this permit without appeal, the permittee confirms and agrees for himself and all assigns and successors in interest that the conditions of this permit shall run with the land and the land uses herein permitted, and will be binding upon and enforceable against the permittees and all assigns and successors in interest. The granting of less than an undivided whole interest in this project is prohibited without prior approval of the District Environmental Commission.

3. The District Environmental Commission maintains continuing jurisdiction during the lifetime of the permit and may periodically require that the permit holder file an affidavit certifying that the project is being completed in accordance with the terms of the permit.
4. By acceptance of this permit the permittee agrees to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
5. This permit hereby incorporates all of the conditions of Subdivision Permit #EC-5-2082 issued on December 13, 1990 by the Assistant Regional Engineer, Protection Division, Department of Environmental Conservation, Agency of Natural Resources.
6. The permittee and all assigns and successors in interest shall install and maintain water-conserving plumbing fixtures in all residences, including but not limited to low-flush toilets, low-flow showerheads, and aerator-type or flow-restricted faucets with a maximum flow of three gallons per minute. All deeds for the lots approved herein shall require the maintenance of the same.
7. During road construction dust will be controlled by water application with limited use of calcium chloride.
8. All heated structures erected on the lots approved herein shall be heated with gas or oil fired hot water or hot air and constructed with insulation with an R-Value of at least R-19 in the exterior walls, at least R-38 in the roof or cap and at least R-10 around the foundation or slab with double pane glass or storm windows and insulated doors of R-10. The installation and use of electric heating systems is prohibited without the review and approval of the District Commission. Oil or gas heating systems shall have a minimum Annual Fuel Utilization Efficiency of 80%. Automatic setback thermostats shall be installed. Water or heating systems shall have a minimum Energy Factor (E.F.) of:
for Gas E.F. = .62 - (.0019 x rated storage volume in gallons) OR
for Oil E.F. = .54 - (.0019 x rated storage volume in gallons).
The permittee shall comply with the approval received from the Department of Public Service.

9. The permittee shall plant the common land at the south eastern end of the project site with softwood seedlings in conformance with approval received from the Department of Fish and Wildlife. Any change in the plantings shall require the approval of the District Environmental Commission with the concurrence of the Department of Fish and Wildlife. The permittee and all assigns and successors in interest shall continually maintain the landscaping substantially as approved in plans and exhibits on file with the District V Environmental Commission by replacing any dead or diseased plantings as soon as seasonably possible. All deeds to the lots shall include a restriction requiring maintenance of mature existing trees within ten feet of the side lot lines and twenty-five feet of the rear lot lines.
10. The permittee shall comply with Exhibits #24 & #28 and plans and exhibits on file with the District V Environmental Commission for erosion control. Hay bale dams and silt fences shall be installed as depicted on the plans prior to commencement of construction. From October 1st to April 15th of any calendar year, all non-vegetated disturbed areas of the site shall be mulched until final vegetative cover is established. All areas outside the roadway limits are to be immediately graded, seeded and mulched upon completion of construction. All erosion control devices shall be inspected daily, cleaned, replaced, and maintained until vegetation is permanently established on all slopes and disturbed areas. Exposed slopes of 2:1, greater than 15 feet in length, measured along the slope, shall have erosion netting installed to stabilize seed. The Commission reserves the right to schedule hearings, and site inspections to review erosion control, and to evaluate and impose additional conditions with respect to erosion control, as they deem necessary. No exterior construction shall be permitted from November 15th to April 1st.
11. No topsoil shall be removed from the site. All disturbed soil shall be stored in seeded and mulched piles ringed with hay bales and silt fences and redistributed on the project site upon construction completion, then graded, seeded and mulched.

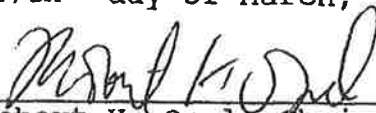
12. A 25 foot undisturbed naturally vegetated buffer shall be maintained surrounding the wetland on the project tract as depicted on Exhibit #29. There shall be no dredging, draining, filling, clearing of woody vegetation or grading of the wetland or buffer zone beyond what is necessary for construction of the roadway crossing. The hay bale dike downstream of the culvert at station 3+00 shall be installed so that both ends extend above the 455 foot contour. Hay bale dikes shall be replaced as necessary and cleaned when half full. The area disturbed by construction of the roadway in the wetland shall be stabilized within two weeks of placement of the culvert. Cutting of trees on the common lot containing the wetland is prohibited, but the permittee may remove dead or diseased vegetation and woody underbrush outside the wetland buffer.
13. The permittee shall construct the roadway in strict conformance with Exhibit #23, providing for a 2% grade to the East as the road leaves the intersection with Paul Square Drive. The road shall be lined with 18" wide grass lined ditches of a graduated depth from one foot at the Paul Square Drive intersection to three foot as the road passes the eastern boundaries of adjoining properties.
14. The permittee shall maintain the existing cedar hedge on the Blake's property and replace any damage to the hedge which may occur during road construction. Prior to the commencement of construction, the permittee shall install a six foot high stockade fence four feet from the end of the Houle property garage extending 20 feet along the rear of the property. The permittee shall maintain the fence during construction. The permittee shall apply no less than 6 inches of topsoil on disturbed areas adjacent to the adjoining residences, which after seeding and rolling is to be no less than 3 inches in depth. The permittee shall seed disturbed areas adjacent to the existing residences with high quality lawn grass seed.
15. All deeds to the lots permitted herein shall contain restrictive covenants requiring mandatory membership in the Home Owners Association by all lot owners and requiring supervision of the common lots by the Home Owners Association in accordance with this Land Use Permit.
16. Construction on the project shall be restricted from 7:30 am to 5:00 pm weekdays. However, no construction on the road between stations 0+00 and 4+00 is to begin before 8:00 am weekdays.

17. Should construction of the roadway disturb underground or utility lines, the permittee shall use reasonable means to protect the utility line, including providing sufficient insulation and burial depth to ensure against freezing. The applicant shall submit a written report to the District Environmental Commission and the parties of such activity.
18. The permittee shall install stop signs at both corners of the project road and Paul Square Drive. The project road shall be constructed to Vermont Agency of Transportation A-76 standards. Upon occupation of three residences on the project road or soon thereafter, the permittee shall convey title to the project road to the Town of East Montpelier. The project road shall have a speed limit of 15 mph, noticed by signs every 250 feet.
19. Residences constructed on the lots shall be of wood frame construction.
20. Cutting of softwood on the project tract is prohibited without the prior written approval of the District V Environmental Commission with Department of Fish and Wildlife concurrence. Cross-country skiing, snowmobiling and travel by off-road vehicles shall be restricted to trails approved by the Department of Fish and Wildlife. Commercial ventures regarding these activities are prohibited. Dogs shall be restrained or under the control of their owners between December 1st and May 1st of each year. Enforcement costs for maintenance of unsupervised dogs will be reimbursed by the property owners or home owners association. The permittee and all successors in interest waive any right to seek compensation for damages to plantings caused by deer browsing. Removal of dead or diseased vegetation is permitted between May 1st and December 1st of each year. Removal of non-softwood under brush on the northern common lot is permitted outside the wetland buffer.
21. The permittee shall apply to the District Commission for approval for any change in land use which could cause noxious or unhealthy emissions into the air or injection of toxic wastes into the soils.
22. Outdoor lighting shall be limited to entry lights at door entrances and shall be installed or shielded in such a manner as to conceal light sources and reflector surfaces from view substantially beyond the perimeter of the area to be illuminated.

23. Each prospective purchaser of any lot shall be shown a copy of the approved plot plan, the Subdivision Permit, and the Land Use Permit before any written contract of sale is entered into.
24. No further subdivision of any lots approved herein shall be permitted without the written approval of the District Environmental Commission and the Department of Fish and Wildlife.
25. Except as specifically amended herein, all terms and conditions of Land Use Permit #500032 and subsequent amendments remain in full force and effect.
26. All construction on this project including landscaping must be completed by October 31, 1996.
27. This permit shall expire on October 31, 2020, unless extended by the District Commission.
28. Notwithstanding the latter date, this permit shall expire one year from date of issuance if the permittee has not demonstrated an intention to proceed with the project. In any event, substantial construction must occur within two years of the issuance date.

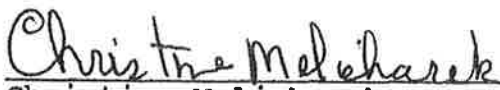
Dated at Barre, Vermont, this 27th day of March, 1991.

BY


Robert H. Opel, Chair,
District Environmental Commission V

Other members participating in this
decision:

Jodee E. B. Anderson
Stanley Fitch


Christine Melicharek
Assistant District Coordinator
District Environmental Commission V

STATE OF VERMONT
DISTRICT ENVIRONMENTAL COMMISSION

RE: Richard Casavant P.O. Box 11 Montpelier, VT 05602)Application #500032-7)Findings of Fact and)Conclusions of Law & Order)10 V.S.A., Chapter 151) (Act 250)
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INTRODUCTION

On October 15, 1990, an application for an Act 250 permit Amendment #500032-7, was filed by Richard Casavant of East Montpelier, for a project generally described as the creation of a fourteen lot residential subdivision with individual on-site water and septic systems, plus two lots of common land and construction of 2000 feet of roadway. The tract of land involved in the present application consists of 28 acres and is located on Paul Square Drive (TH #43) in East Montpelier, Vermont. The applicant's legal interest is ownership in fee simple described in two deeds dated 1988 and 1979 recorded at Book 41, Page 131 and Book 29, Page 280 of the land records of East Montpelier, Vermont.

Under Act 250, projects are reviewed based on the 10 criteria of 10 V.S.A. §6086(a)1-10. Before granting a permit, the Board or District Commission must find that the project complies with these criteria and is not detrimental to the public health, safety or general welfare.

This application was originally noticed on October 15, 1990 as a minor application pursuant to Environmental Board Rule 51 and a proposed permit was circulated. A hearing was requested by adjoining property owners. The District Environmental Commission granted the motion and took evidence relative to criteria 1E, Streams, 1G, Wetlands, 4, Soil Erosion and Stormwater Discharge, and 8, Aesthetics, at a hearing held on December 4, 1990. In accordance with Environmental Board Rule 51(B)(6), the District Environmental Commission will issue partial findings limited to the above listed criteria.

Decisions must be stated in the form of findings of fact and conclusions of law. The facts we have relied upon are contained in the documents on file identified as Exhibits #1-#29, and the evidence received at a hearing held on December 4, 1990. At the end of the final hearing, the proceeding was recessed pending submission of additional information. The hearing was finally adjourned on March 12,

1991 upon receipt of all of this additional information by the Commission.

Parties to this application are:

- (A) The Applicant by Wayne Lawrence, Professional Engineer and Frederick Cleveland, Attorney.
- (B) Adjoining property owners and the criteria they were allowed to participate on:
 - (1) Linda and Randall Blake, by Julian Goodrich, Attorney, and Michael Chenette, Professional Engineer, were granted party status relative to Criteria 1E, Streams, 1G, Wetlands, 4, Soil Erosion and the capacity of the land to hold water, 5, Traffic Safety and Congestion and 8, Aesthetics.
 - (2) Carole and Denis Houle, by Michael Chenette, Professional Engineer, were granted party status relative to Criteria 1E, Streams, 1G, Wetlands, 4, Soil Erosion and the capacity of the land to hold water, 5, Traffic Safety and Congestion and 8, Aesthetics.
 - (3) Donald and Sylvia Tosi, by Michael Chenette, Professional Engineer, were granted party status relative to Criteria 1E, Streams, 1G, Wetlands, 4, Soil Erosion and the capacity of the land to hold water, 5, Traffic safety and Congestion and 8, Aesthetics.

Criteria 1E, Streams and 1G, Wetlands

The project will not result in undue adverse impacts on streams and wetlands:

The geography of the area is such that a nexus exists between a stream and the wetland on the project site. Therefore, the Commission will review the potential impacts on the above-named criteria together.

The project tract contains a Class Three wetland in its northwest corner on a lot proposed for common ownership. (Exhibit #28). The wetland lies partially on the common lot and partially on adjoining property from where water enters a stream which flows to the Winooski River. (Testimony of W. Lawrence). In order to access the herein proposed residential lots, the applicant proposes to place a culvert and fill at a narrow point on the southern upstream end of the wetland thus creating a roadway. (Exhibit #28 and #29). During construction on the roadway, dust will be controlled

by water application with sparing use of calcium chloride.
(Testimony of Applicant).

The Commission notes that Class Three wetlands do not serve significant functions that merit protection under the Vermont Wetland Rules. (Vermont Wetland Rules 4.1 and 4.2). The Water Quality Division of the Agency of Natural Resources has recommended several Land Use Permit conditions including a 25 foot buffer, a prohibition on alteration, placement and maintenance of hay bales, and stabilization of the road construction area within two weeks. (Exhibit #28). The applicant has incorporated the recommendation into the revised site plan. (Exhibit #29). The Commission will impose permit conditions accordingly.

Criterion 4 Soil Erosion and the Capacity of the Land to Hold Water:

There will be no unreasonable soil erosion or effects on the capacity of the land to hold water:

Prior to the hearing the adjoining property owners expressed concerns relative to the proposed project's potential disturbance of the natural pattern of water runoff which carries water away from their homes into the small Class Three wet land. (Exhibits #24 & #12). Access to the proposed residences will be provided by the construction of a roadway beginning at Paul Square Drive and crossing on a 50 foot wide strip of land owned by the applicant which runs between the homes and properties of Party Houle and Party Blake. (Exhibit #23). The proposed road will be level with the neighboring properties for approximately its first 150 feet of length. (Exhibit #23). The applicant proposes a grass ditch running on each side of the road. Water from the crown of the road would shed into the ditches and flow to the east away from the properties of Party Houle and Party Blake. (Testimony of W. Lawrence). Concerns were expressed relative to the potential pooling of water near the intersection of the proposed road and Paul Square Drive due to the lack of a grade. (Testimony of Party Houle and Party Blake). A more detailed design was submitted depicting a 2% grade of the road sloping to the East with ditches of one foot in depth near the Paul Square Drive intersection to three feet in depth prior to entering the ravine past the adjoiners' property. (Testimony of M. Chenette and Exhibit #23). Furthermore, the applicant has agreed to seed the area adjacent to the currently existing residences with high quality lawn grass seed, as opposed to the Soil Conservation seed mixture to be used on the remainder of the tract. (Testimony of Applicant). The parties adjoining the right-of-way have requested that 6 inches of topsoil as opposed to 3 inches of topsoil be applied adjacent to the right-of-way. (Exhibit #17). The

Commission concludes six inches of applied topsoil shall amount to three inches of topsoil once it is rolled. Therefore, a permit condition will be imposed requiring application of 6 inches of topsoil, which after seeding and rolling is to be no less than 3 inches in depth.

The Commission finds that the applicant's revised proposal will prevent stormwater discharge from the first 150 feet of roadway from entering onto neighboring properties and will impose permit conditions accordingly. For purposes of additional clarification the Commission will also impose a condition stating that the drainage ditches are to be grassed and to be no less than 18 inches in width in order to assure that an adequate volume of water could be accommodated.

The remainder of the project site is relatively flat and contains rapidly perking Adams soils. (Testimony of W. Lawrence). The applicant proposes to build the roadway to A76 standards with parallel stone lined ditches on each side. Culverts will be placed under the roadway at regular intervals to carry runoff into the wet area on the common land. An erosion control plan based on comments received from the Water Quality Division of the Agency of Natural Resources has been submitted providing for use of erosion control devices and fertilizing, seeding and mulching of disturbed areas. (Exhibit #28 and #29). Exposed slopes of 2:1, greater than 15 feet in length, measured along the slope, will have erosion netting installed to stabilize seed. (Exhibit #13). The Commission will impose permit conditions in accordance with the submittals.

Finally, in order to ensure protection of the wet area and adjoining properties, the Commission will impose a condition reserving its right to investigate, call a hearing and impose additional permit conditions relative to soil erosion and the capacity of the land to hold water.

Criterion 5 Traffic Safety and Congestion

This project will not cause unreasonable safety or congestion conditions with respect to highways or other means of transportation:

Access to the proposed subdivision will be via a 2,000 foot roadway, constructed to A-76 standards, intersecting with Paul Square Drive. Paul Square Drive (TH #43) accommodates a residential development off of Vermont Route 14 in East Montpelier. (Exhibits #15 and #1). Should construction of the roadway inadvertently disturb underground water or utility lines, the applicant will use responsible means to protect the utility line, including providing sufficient insulation or burial depths of the lines to ensure against

freezing. The applicant will submit a written report to the District Environmental Commission and the parties of such activity. However, the applicant will not be required to discover water or utility lines prior to excavation. (Exhibit #17 and Testimony of Applicant). Upon completion of the roadway and occupation of three houses in the subdivision, ownership will be conveyed to the Town of East Montpelier. (Testimony of W. Lawrence and Exhibit #5).

Concern has been expressed relative to the safety of children in the residential area adjacent to the project site through which traffic will pass prior to reaching Route 14 (Exhibit #12 and #14). In order to prevent children from wandering onto the proposed road, as well as for aesthetic purposes relative to criterion 8, the applicant has agreed to be responsible for maintenance of the cedar hedge on the adjoining Blake property. Damage to the hedge occurring during road construction will be repaired or replaced by the applicant. For similar reasons, a 6 foot high stockade fence is to be constructed by the applicant 4 feet from the end of the Houle's garage extending 20 feet along the rear of the property, prior to the commencement of construction. The applicant will be responsible for repair of the fence during construction. (Exhibit #22). The Commission will impose conditions accordingly.

The Commission will also incorporate into the permit a 15 mph speed limit, noticed by speed limit signs every 250 feet, on the proposed road and require stop signs be placed on both sides of the road requiring that vehicles stop prior to entering Paul Square Drive. (Testimony of Applicant, Exhibit #22 and #17).

Criterion 8 Aesthetics, Scenic Beauty, Historic Sites or Natural Areas

There will be no adverse effects on aesthetics, scenic beauty, historic sites or natural areas:

When reviewing projects for their visual impact, the District Commissions follow the protocol established by the Environmental Board in its Quechee Lakes decision (3W0411-A-EB, November 4, 1985). The Commissions must first determine whether a project will have an adverse effect. In making such a determination, the Commissions examine the nature of the project's surroundings in order to consider whether the project "fits" into its context and whether the project's design, colors, and materials are compatible with its surroundings, the visibility of the project, and the project's impact on open space. All of these factors must be weighed collectively in deciding whether the project is in harmony with its surroundings.

The project is not visible from a highway and is adjacent to a previously developed residential subdivision. (Testimony of W. Lawrence). The proposed lots will be buffered from the existing residential subdivision by two lots of common land to be overseen by a Home Owners' Association. The first common lot on the project's western boundary, will be adjacent to the properties of Parties Blake, Houle and Tosi and will remain in its naturally vegetated state. This common lot will buffer the project from being visible from the existing residences. (Exhibits #15 and #22). Cutting of the trees will be prohibited, but removal of dead or diseased vegetation will be permitted as well as removal of non-softwood under brush outside the wetland buffer. (Testimony of Applicant). Incorporating its findings under Criteria 1E and 1G relative to the wetland on the common lot and Criterion 5 above relative to construction of a fence and maintenance of the hedge, the Commission finds the western common lot will preserve a natural wetland area and prevent adverse aesthetic impacts.

The second common lot, which lays on the south eastern end of the project tract, contains a deer wintering area. The Department of Fish and Wildlife has recommended inclusion of six permit conditions to safeguard the integrity of the wintering area, including the planting of seedlings on the lot, and restrictions on dogs and on recreational activities. (Exhibits #11 and #13). The Commission finds the precautions submitted by the applicant and the Department of Fish and Wildlife will enhance the preservation of the deer yard and mitigate any aesthetic impact.

The project has been logged and adequate solar access exists. Therefore, the Commission will prohibit by permit condition further cutting of healthy softwood trees on the project tract in order to promote aesthetic buffers and wildlife habitat management. (Exhibits #18 and #21). In order to assure proper maintenance of the two common lots, the Commission will impose a permit condition, requiring all deeds to the lots contain restrictive covenants relative to the Home Owners Association supervision of the common land in accordance with the Land Use Permit, and requiring mandatory membership in the Home Owners Association by lot owners.

Finally, the applicant testified that construction hours will be restricted to 7:30 am to 5:00 pm weekdays; while Party Blake requested the start of work be postponed until 8:00 am. (Exhibit #17). The Commission concludes that the above-referenced common lots will shield the existing residences from the noise of road construction past station 4+00 as depicted on Exhibit #15. Therefore, the Commission will impose a permit condition requiring that no

construction on the road between stations 0+00 and 4+00 is to begin before 8:00 am.

The Commission concludes that the project's overall design will prevent the project from creating an undue adverse impact and the land use will be compatible with the neighboring residential development.

CONCLUSION OF LAW

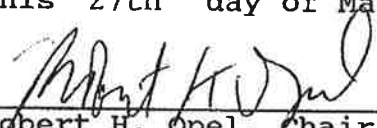
Based upon the foregoing Findings of Fact, it is the conclusion of this District Environmental Commission that the project described in the application referred to above, if completed and maintained in conformance with all of the terms and conditions of that application, and of Land Use Permit #500032-7 will cause or result in a detriment to public health, safety or general welfare under the criteria described in 10 V.S.A. §6086(a).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, Land Use Permit #500032-7 is hereby issued.

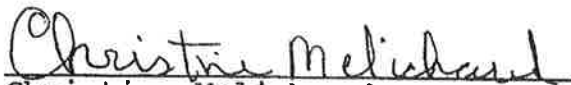
Dated at Barre, Vermont, this 27th day of March, 1991.

BY

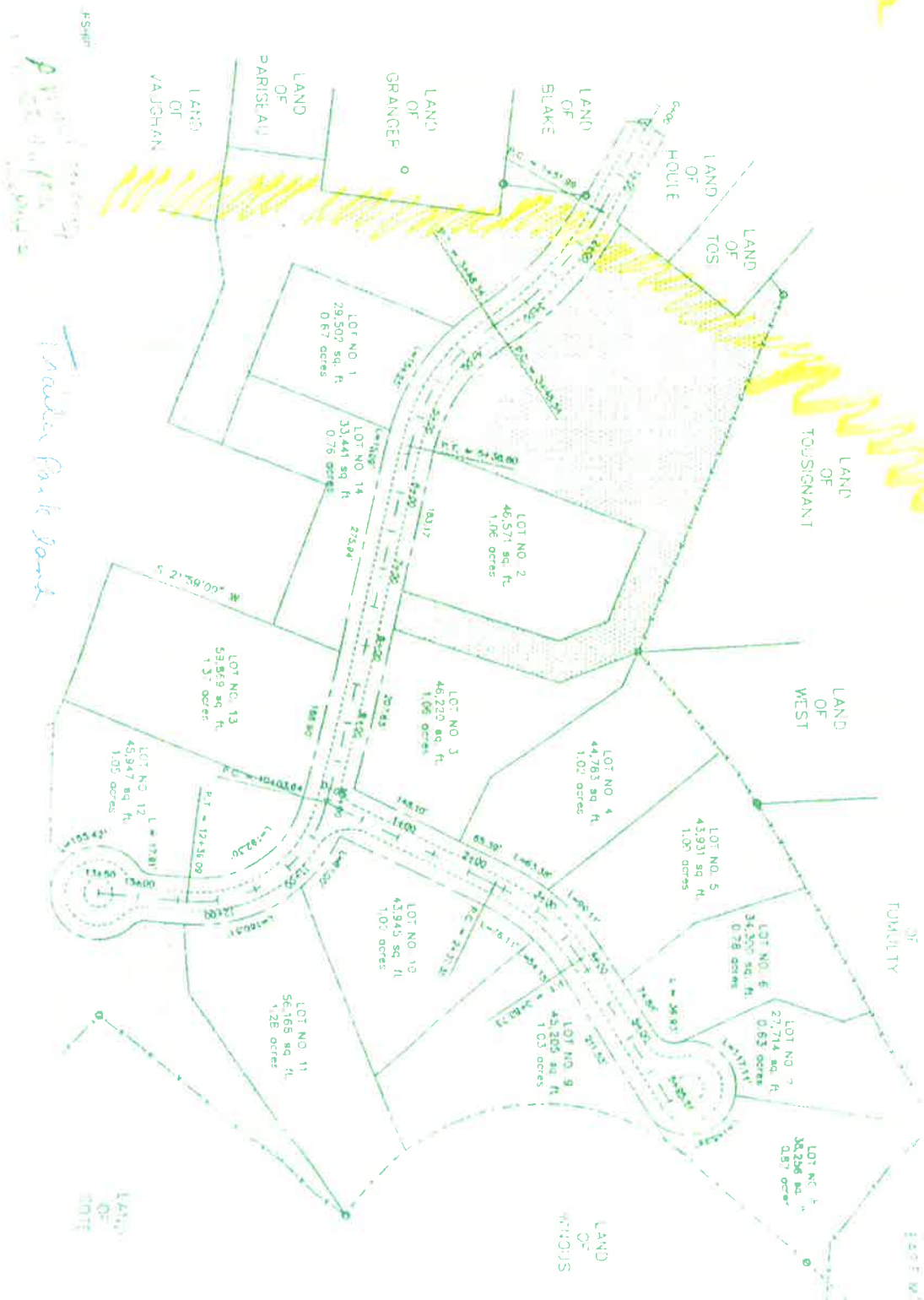

Robert H. Opel, Chair

Other members participating in this decision:

Jodee E. B. Anderson
Stanley Fitch


Christine Melicharek
Assistant District Coordinator
District V Environmental Commission

BJS/djs/32-7/fof2



BIS

Agency of Natural Resources
Department of Environmental Conservation

Water Quality Division
Building 10 North
802-244-6951

MEMORANDUM

To: Kurt Janson, Land Use Attorney

From: Anne Wibiralske, Wetlands Specialist *AW*

Date: February 13, 1991

Subject: Act 250 Application #500032-7, Richard Casavant

DISTRICT COMMISSION # V
APPLICATION # 500032-7
EXHIBIT # 28
DATE: 2/28/91

On December 6, 1990 I visited the site of the above referenced project with Mr. and Mrs. Casavant and several adjoining land owners to determine if there are any impacts to wetlands. This site contains a Class Three wetland in the northwest end of the project area. I have sketched the boundaries of this wetland on the attached copy of the project subdivision plan dated 9/20/89.

This wetland lies in an area proposed as common ownership land. The applicant proposes to impact to this wetland with a road crossing that connects the right of way from the street to the house sites. I do not see any alternate routes for the road that have less impact to the wetland. The proposed road crosses the wetland at a narrow point near its upstream end. The design of the road strikes a workable balance between sound construction, safety concerns, and minimization of fill. I recommend the following measures be added to the permit to protect the wetland from any additional impacts.

1. The wetland should be shown on the site plan with a 25 foot buffer zone. There should be no dredging, draining, filling, clearing of woody vegetation, or grading of the wetland or buffer zone beyond what is necessary for the construction of the road crossing as proposed in the site plan dated 9/20/89.
2. The hay bale dike downstream of the culvert at station 3+00 should be lengthened on both ends so that it extends above the 455 foot contour.
3. Hay bale dikes should be replaced as necessary and cleaned when half full. The Vermont Handbook for Erosion and Sediment Control on

Kurt Janson
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Construction Sites specifies technical details on maintenance of erosion control structures.

4. The construction sequence on the erosion control plan dated 9/20/89 indicates that areas disturbed by construction will be stabilized within 15 days of subgrade preparation. The fill for the road between station 1+00 and 4+00 should be stabilized within two weeks of when the culvert at station 3+00 is placed, or sooner if possible.

If you have any questions about my comments, please give me a call.

\aw

cc: Wayne Lawrence, Engineer for the Applicant

PRESENT: ALLAN COUCH, PETER HILL, AUSTIN CLEAVES, SELECTMEN
RICHARD CASAVANT, LAND OWNER
STEVE BURKHOLDER, BURKEHOLDER PLUMBING
BRUCE BJORNlund, TOWN ATTORNEY
SYLVIA TOSI, TOWN CLERK

Regarding Right-of-way to a proposed housing development by Casavant, located behind Paul Square/Carleton Boulevard development off Route 14 toward Barre, motion was made by Selectmen Couch to approve the right of way as a future public highway into the housing development. Road will be constructed to meet A-76 Standards and will not be accepted by Town until there are 3 houses built and are occupied. Selectmen all voted in favor.

Town Attorney Bjornlund advised Selectmen on M. Ormsbee tax abatement contract that if the house and 2 acres plus 5 acres were sold, it would not cause a breach of contract referring to the bottom section of Page 1 of contract. A new lease would be needed to take place of Sparrows. The lease from which acreage is taken from would also need updating as to acreage. An amended lease could be filed in this regard. A letter will be sent to the Executor Anne Ormsbee in regard to this information.

Burkeholder advised Selectmen with regard to plumbing problems caused by the water freezing in bathroom earlier in the year. Selectmen agreed the pipes should be fixed to make sure no accidents happen because they weren't fixed.

Burkeholder also advised Selectmen he had not been fully paid for the work he had performed for T & T Building under contract. Town Attorney Bjornlund advised him to furnish Town with copies of his letters requesting payment from T & T Building so Town can use it in Arbitration issue with T & T which is pending.

Al Couch will meet with Chris & Mary Stone at their convenience regarding the driveway being located on Cummings Road.

Earle Ellingwood will do a Zoning map trying to locate property lines to establish the actual locations of the different Zones in Town for determining Zoning boundaries. Some of the old tax maps will be used in this effort.

The Contract for Services for Vermont Student Assistance Corp. was approved by Selectmen and signed by Al Couch. The need for a student to help paint the Town Hall is already being handed to those students in area who are looking for jobs and are graduating from High School this June.

Four people were appointed to the Census Committee. They are Tamara Pariseau, Janice Waterman, Marjorie Donnelley and Loring Starr. Any census data or questions will be referred to this committee for their attention.

Selectmen Couch signed the application form for the Blue Light for Second Constable Roger Sherman.

Replacement Tax Abatement Contract for William & Lorraine Parker was approved by Selectmen and signed. This contract only changes the owner names to bring it up to date with new deeds.

Application to Selectmen for approval of permanent right of way

To conform with East Montpelier Protective Zoning Ordinance
adopted September, 1982, ^{as amended November 1988,} I hereby apply for approval of a Right of Way
as prescribed in Article 3, Section 3.

Length _____ ft.

Width _____ 50 _____ ft.

(TH 43)

Location Corner Paul's Square and Carleton Boulevard off Route 14 S

Type of Building to be served by Right of Way: Housing Development

House

Approved - ~~Disapproved~~ - Date

Trailer

5/10/89

Size of lot

Length _____

Width _____

Selectmen
Sign

1. Allan A. Couch
2. Peter R. Hill
3. Austin C. Cleaves

Sketch Below

